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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,553	10/12/2001	Chin-Tien Huang	TEH-7	1464

7590 03/04/2004
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EXAMINER

WINDMULLER, JOHN

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,553

Applicant(s)

HUANG ET AL.

Examiner

John Windmuller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-22, 24-29, 31-36, 38-41, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens. The device of Marocco '857 discloses the invention as claimed, including, inter alia, a body (Fig. 24, 220) defining a head rail opening (Fig. 24, 230), two blind slats openings (Fig. 24, 226, 228), a bottom rail opening (Fig. 24, 230 (bold type)), a plate (Fig. 18, 246) with a head rail aperture (Fig. 18, 260) and configured to cut the head rail, a linearly movable blade assembly (Fig. 18, 244) to cut the bottom rail and the blind slats, a manually operated drive mechanism (Fig. 19, 262, 264) to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats concurrently (col. 11, lines 24-47).

But Marocco '857 does not teach a *rotatable* plate with a head rail aperture and configured to cut the head rail. However, Stevens teaches a rotatable plate with a head rail aperture and configured to cut a rail (Fig. 4, D). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of

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Marocco '857 with a rotatable plate with a head rail aperture and configured to cut the head rail as taught by Stevens to simplify the mechanism for cutting the head rail.

Regarding claims 2, 3, 15, 16, 31, 33, Marocco '857 teaches a blade housing (Fig. 24, 244), first blade for cutting the bottom rail having an open profile (Fig. 24, 254) along its cross sectional axis, second blade for cutting the blind slats (Fig. 24, 256).

Regarding claim 4, 17, 32, Marocco '857 teaches a first blade (Fig. 24, 254) configured to cut a bottom rail having a closed profile.

Regarding claims 7-9, 19-21, 26-28, 40, 41, Marocco '857 teaches a movable adjustable end guide adjacent to the body having an end guide lock (col. 11, lines 48-67).

Regarding claims 12, 24, Marocco '857 teaches a profile of the head rail aperture (Fig. 24, 230) that corresponds to the cross section of the head rail.

Regarding claims 13, 25, Marocco '857 teaches tooth like projections (Fig. 16, unlabeled, in opening 204).

3. Claims 11, 23, 30, 37, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Marocco '388. The modified device of Marocco '857 discloses the invention as claimed except a blind slats clamp. However, Marocco '388 teaches a blind slats clamp (Fig. 3, 74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a blind slats clamp as taught by Marocco '388 to compress the slats to provide cleaner cutting.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Wang '557.

The modified device of Marocco '857 discloses the invention as claimed except a blade cutting the bottom rail along its long cross sectional axis. However, Wang '557 teaches a blade cutting the bottom rail along its long cross sectional axis (Fig. 4, 28, 241). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a blade cutting the bottom rail along its long cross sectional axis as taught by Wang '557 to provide better cutting of the U-shaped parts of the bottom rail.

5. Claims 10, 22, 29, 34, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Wang '172. The modified device of Marocco '857 discloses the invention as claimed except a support including at least one bracket and a first blade that is pointed for cutting the bottom rail. However, Wang '172 teaches a support including at least one bracket (Fig. 1, 45, 46) and a first blade that is pointed (Fig. 3, leftmost item 51) for cutting the bottom rail. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a support including at least one bracket and a first blade that is pointed for cutting the bottom rail as taught by Wang '172 to provide easier cutting and workpiece handling.

Response to Arguments

6. Applicant's arguments filed 1/28/04 have been fully considered but they are not persuasive. On page 11 of Remarks, Applicant states that Examiner is incorrect in stating that Marocco '857 discloses a manually operated drive mechanism (Fig. 19, 262, 264) to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats concurrently (col. 11, lines 24-47). Examiner disagrees.

The reference to Marocco '857 discloses several distinct embodiments. These are laid out in the brief description of the drawings in columns 3 and 4. From this it can be seen that one embodiment is shown in Figs. 17-26 and another embodiment is shown in Figs. 27 and 28. Examiner has rejected the instant application by applying the embodiment of Figs. 17-26, not the embodiment of Figs. 27 and 28. Applicant's arguments are misplaced because Applicant has based his arguments on the embodiment of Figs. 27 and 28. The embodiment of Figs. 17-26 is clearly described in the sentence of column 11, lines 32-34 and the paragraph of column 11, lines 41-47 as having a linkage between blade block 244 and die block 246 and a single manual lever 264 driving them both. Furthermore, although not clearly stated in Marocco '857, the paragraph of column 12, lines 21-29 refers to the embodiment of Figs. 17-26, while the following paragraph, column 12, lines 30-35, begins discussion of the embodiment of Figs. 27 and 28. So Applicant's arguments on page 12 regarding Marocco '857, column 12, lines 30-49, are misplaced.

7. In response to applicant's argument that there is no suggestion to combine the Marocco '857 and Stevens references, pages 15-16 of Applicant's remarks, the

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examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant argues against Examiner's statement that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Marocco '857 with a rotatable plate with a head rail aperture and configured to cut the head rail as taught by Stevens to simplify the mechanism for cutting the head rail because there is no teaching in Stevens that rotational cutting is simpler than linear cutting. However, it would be well known to one of ordinary skill in the art that, if a mechanism has a handle moving in a rotary fashion as the handle of Marocco '857 does, it would be simpler to provide a rotary cutting blade rather than a linear cutting blade because a linear blade would require a mechanism to translate the rotary motion of the handle into the linear motion of the blade, whereas a rotational blade would not.

Furthermore, regarding Applicant's arguments on page 16, while Marocco '857 may teach a certain means of providing mechanical advantage, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Marocco '857 with a rotatable plate with a head rail aperture and configured to cut the head rail as taught by Stevens for the additional purpose of providing *further* mechanical advantage.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Windmuller whose telephone number is 703 305-4988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703 308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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